SOME NEW BOOKS.

Famous Irish Lawyers.

In his new volume, entitled *The Munster Circuit: Tales, Trials, and Traditions* (Harper & Brothers), Mr. O'FLANAGAN has given the literary world another opportunity of verifying the apothegm that poor books make good reviews, as poor wine makes good vinegar. The present work is largely made up of extracts from his former compilation on the "Irish Bar," and he gives us few, if any, specimens of the mots and witticisms of the brilliant times he speaks of which may not be found elsewhere. It is pleasant, however, to see men whose characters form a part of the character of the country rescued even by Mr. O'Flanagan from oblivion. Some of the men whom he has introduced for the first time on his canvas have passed away; others are still living, and occupy high positions in the profession.

Little is now left of that Irish wit which sparkled so gayly of old. In those days the fancy and imagination often stood in the place of learning and law on occasions which would not appear to modern Irish lawyers, like Christian, or Lawson, or Fitzgerald, to admit of pathetic appeal or rhetorical ornament. To Curran, who naturally figures largely in this volume, having been born in Munster, and having been so long the light of its circuit, such a privilege was priceless. It put in his hand the wand of a magician and made him a legal Prospero. The little law which Curran used in his speeches as an advocate or in his decisions as Master of the Rolls—he made a very poor Judge—was supplied to him by Mr. (afterward Judge) Barton, an attorney's clerk whom he brought over with him from England to note his briefs and furnish him with cases. This Barton, who was placed on the bench chiefly through Curran's influence, was, unlike his master, a very sound lawyer and painstaking Judge. He was remarkable for looking, as was said of Lord Thurlow, wiser than any Judge ever could be, and will find a paragraph in history as having passed sentence on O'Connell, an old member of the same circuit, in the State trials of 1845, shedding tears as he did so.

Between Curran and another eminent member of this circuit, Fitzgibbon, afterward Lord Chancellor, and Lord Clare, there existed a most bitter and lifelong hostility. This mutual repulsion, carried through many conflicts, culminated in a debate on Aug. 13, 1789, in which Fitzgibbon uttered his offensive apothegm: "If Ireland seeks to quarrel with Great Britain, she is a besotted nation. Great Britain is not easily aroused, nor easily appeased; Ireland is easily aroused, and easily put down." Curran retorted, "What the right honorable gentleman said of his country is applicable to himself." Directly after the debate Fitzgibbon challenged Curran, and the combatants, being duly placed, were left to fire when they pleased. Curran fired first and missed. "I never," he said to Charles Phillips, "saw any one whose deliberation was more malignant than Fitzgibbon's. After I had fired he took aim at me for more than half a minute, and, on its proving ineffectual, I could not help exclaiming, 'Mr. Attorney, you certainly were deliberate enough.'"

There is a pleasant anecdote of one of Curran's many duels not told by Mr. O'Flanagan, but current in the delightful dinner society of Dublin. He was once challenged by a barrister named Burrowes, supposed to be in an incurable decline. When they met, Curran's second came to him and said: "The second of your antagonist requests, as his principal is in a very feeble condition, that he may be allowed to lean against the milestone where he is standing during the exchange of shots." "Certainly," replied Curran, with a twinkle of the eye, "provided I am allowed to lean against the next milestone."

Of that brilliant Dublin society Curran was the soul. Byron, who met him only in age, when his conversation had lost much of its power, writes: "His imagination is beyond human, and his humor—it is difficult to define how much of it is wit—something perfect. I have heard him speak more poetry than ever was written, though I have met him but seldom."

O'Connell was for many years the giant leader of the Munster Circuit, towering above all others. Crabbe Robinson, in his charming diary, dwells with delight on the exhibitions he witnessed of O'Connell's strength; how he used to seize on Bennett, the Crown Prosecutor, as a huge mastiff would a small cur, and fling him to the earth. This Bennett became remarkable for an invariable habit of endeavoring to raise a laugh by asking the medical witness in murder cases: "You attended the deceased, and he died accordingly?"

Mr. O'Flanagan gives many well-known anecdotes of O'Connell and specimens of his speeches. He gives at great length the trial for the Scanlan murder, interesting as the groundwork of Griffin's novel, "The Collegians," and Boucicault's comedy of "The Colleen Bawn." It is told with more pathos, however, and romantic detail in Sheil's "Sketches of the Irish Bar," of which it forms the opening chapters.

O'Connell was the delight of the bar mess. From his exhaustless wardrobe of anecdote he was especially fond of bringing out, for the amusement of the junior bar, one about his own nephew, which, we believe, has never got into print. "I had a nephew," he would begin, "named McSweeny, who once travelled this circuit, having eaten his way to the bar through the necessary amount of mutton, because his family imagined from the relationship to me that he must have a genius for law. He travelled, however, like Moore's lady, all over the land without being ever tempted with gold. His wanderings were unrefreshed by a solitary brief. There was a family convention called in this desolate condition of things, and it was determined to make for him all that was needed to bring out the hereditary genius—an opportunity. One of the tenants was employed to steal a neighbor's sheep, and Mac was engaged to defend him. The trial was fixed for the spring assizes, in March following, and Mac immediately began—it then being September—his preparations for the grand event. Every evening he might be seen marching along the beach of Derrynane with a huge stone in his mouth, *à la* Demosthenes, endeavoring to compete with the voices of the waves, which brought their music from the opposite coast of Labrador. At last, one morning, about Christmas, he appeared in my room, in Merrion square, ready for the great oration, on which he desired my judgment and suggestions. I invited him to breakfast the next Sunday for that purpose, and after we had had an egg and a slice of Tipperary ham, I said: 'Now, fancy I am the presiding Judge, these papers on the table your jury, the books around the walls the crowd in court, and begin.' It wanted then three months of the trial time. 'My lord and gentlemen of the jury,' said young hopeful, 'I protest to Almighty God, as solemnly as if these were the last words I was ever to utter, that until within the last five minutes I was not aware that I should be called upon to address you.' 'That will do,' I said; 'you are fit, my darling nephew, for any bar after that.'"

Chief Baron O'Grady, afterward Lord Guillamore, was another remarkable figure of the Munster Circuit; a man of a dry, quiet, delicious wit, racy of the soil. His voice was almost as much in "a state of nature" as that of the present Chief Justice Morris of the Common Pleas, which added greatly to the effect. On one occasion, when presiding Judge at Galway, a case of sheep stealing was tried by him in which the accused, who was clearly proved to have stolen the sheep, brought up many Roman Catholic and Protestant clergymen and Justices of the Peace to testify as to his good character. "Gentlemen of the Jury," said the Chief Baron in his laconic charge, "here is a man of the highest possible character who has stolen a sheep, and you will find accordingly." On the very last visit he paid to London, Lord Brougham gave a dinner to him at his residence in Grafton street, to which he invited Lord Lyndhurst, Sir W. Follett, and many of the then leading lights of the English bar. Conversation turned on the queer difference between the spelling and pronunciation of proper names in the English language. Lord Guillamore had been trying a case in his Irish Court of Exchequer involving a large estate, in which one of the parties, who was an M. P. for Hull, and an officer in the Thirteenth Light Dragoons, had changed his name from Geoghegan, the real family name, to O'Neill. "We hate you, my Lords, in that as in many others things in Ireland," exclaimed Lord Guillamore; "I had a man in my coort the other day who spelt his name Geoghegan and pronounced it O'Naill."

Among the men nearer our own day to whom Mr. O'Flanagan introduces us are Chief Justice Doherty of the Common Pleas, Mr. Justice Crampton of the Queen's Bench, and Mr. Justice Ball of the Common Pleas. Chief Justice Doherty was a man of very handsome presence, and of much after-dinner wit, but very deficient in legal knowledge. In Parliament he cut a rather distinguished figure, though he was fond of telling that when he made his maiden speech he was in such a state of terror that he styled the Speaker "Ma'am." At a dinner party at a wealthy Roman Catholic's in Dublin, who was generally guilty of the then venial offence of getting in his "potations pottle deep," being pressed when retiring to remain a little longer, he excused himself, saying, "that not being a Roman Catholic himself, he always retired before the elevation of the host."

Judge Crampton was a stern disciple of Father Mathew. When he travelled circuit with his brother Judge of the Queen's Bench, Louis Perrin, who was of opposite tastes, they were always styled "Brandy and Water." When a witness before Crampton on one occasion said, in reply to the counsel's question, "We had a little to drink, just enough to make us pleasant," Crampton remarked that it was a great mistake to say that liquor had the effect of making people pleasant. It had quite an opposite effect. On this a very comical attorney named Pat Costelloe, who once defeated the late T. F. Meagher for Waterford, popped up his head, and said: "Would you allow me to ask you one question, my lord? Did you ever see a pleasant party round a pump?"

Judge Ball was a cultivated scholar, of much social charm, and of very gentle tastes and instincts. He was celebrated as a gourmet, and was called "Ball and Supper," from his special fancy for the latter meal. The recent remark of that bright Hebrew, Sir George Jessel, the English Master of the Rolls, "It is strange how ignorant Lord Cairns is of the ways of business; he seems to know nothing of the outside world," was applicable to Judge Ball. His business while at the bar was, like Lord Cairns's, strictly confined to the equity side. On one occasion, when an action for salvage of a vessel wrecked on the Galway coast was before him, and a witness, in reply to counsel, had said that its cargo was Indian meal (pronounced *maal*), he broke in: "You do not mean to tell me that the Indian mail was carried all that way out of its course and lost! This must be represented." On another occasion, in a dispute in the same county over the several rights to some oyster beds on the Connemara coast, one of the witnesses saying that the beds had been regularly marked out by buoys, which had been in the water there for two years, the Judge instantly exclaimed: "Bless my soul! am I to understand that the young gentlemen were in the water for two years?"

Mr. O'Flanagan gives some amusing specimens of the wit of Irish witnesses and prisoners. A female prisoner, on being sentenced to transportation for life by a serious Judge, who delivered a very touching and, as he thought, impressive address, coolly asked him at its close: "By what ship do we sail, my Lord?" But the writer of this article heard another Irishwoman say something still more pat. She was a notorious adept in the art of stealing soldiers' clothes from the cavalry barracks at Island Bridge, near Dublin, and had repeatedly been convicted and sentenced therefor. On this occasion the Recorder, the late Sir Frederick Shaw, in passing sentence, said: "If this had been your first, your fifth, your tenth offence, I might be inclined to deal with you leniently. But you are no stranger here. You have been brought up again and again, and no light punishment seems to have any effect on you. I therefore must sentence you to seven years' transportation." "Ah thin, Recorder," said the little vixen, putting her arms a-kimbo, "if I had been a stranger to you, you couldn't have trated me worse."

In favor of Mr. O'Flanagan's book it may be said that, if many of its anecdotes are old friends, it yet will fill pleasantly a vacant hour.

Some Stories Worth Reading.

Regarded merely from a literary point of view, one of the most captivating novels lately published in this country is an English version of the Egyptian romance entitled *Uarda*, by Dr. G. N. EBERS (W. S. Gottsberger). Dr. Ebers, we scarcely need remind the reader, has for some time filled the chair of the Egyptian language and archæology at the University of Leipsic, and is clothed with the triple authority of scholar, scientist, and discoverer within his special domain. By his study of manuscripts and monuments, and his personal investigations in the Nile valley, he has done more, perhaps, than any other contemporary inquirer to resurrect the civilization of the Pharaohs in its minute details. It was he, for instance, who discovered and expounded the so-called Ebers papyrus, containing a complete manual of Egyptian medicine of the sixteenth century B. C. If we except the Gallus and Charicles of Becker, no historical fiction relating to a remote epoch has ever been attempted by a writer of equal competence in the particular field chosen for portrayal. Those pictures of Roman and Greek life, however, purported on their face to be nothing but mosaics cunningly pieced together, and they were wholly wanting in organic structure, dramatic movement, and imaginative power. Prof. Ebers, on the other hand, is in no humble sense an artist, and the unfolding of his story may be watched with eagerness by those who are indifferent to the soundness of his materials and the punctillious accuracy of the local tints and tones. How thoroughly, in his case, the accumulations of the scientist have been assimilated, and how completely the task of veracious exposition, without being sacrificed for a moment, is yet subordinated to an æsthetic purpose, is already known to those persons who have read another of his novels translated and published in this country under the title of "The Daughter of an Egyptian King." Both works are distinguished by the rare conjuncture of such opposite qualities as unswerving fidelity to the facts of history in the framework of the tale, and a flashing, vitalizing fancy in the management of incident and dialogue. Such a double *tour de force* has never been performed but once by any other writer, Scott's novels being as notoriously deficient in verisimilitude as the majority of trustworthy archæological romances are in point of animation. The single exception is, of course, Victor Hugo's "Notre Dame," a book which cost the author more labor than any other of his works, and upon which, in all likelihood, his reputation will most securely rest.

It will be remembered that Prof. Ebers, in his "Egyptian Princess," chose to depict the period immediately preceding the conquest of the Nile land by the Persians, under the son of Cyrus. That was an epoch of disintegration, metamorphosis, and collapse, in which the splendid civilization transmitted from earlier times had already lost the buttresses of its material power and the homogeneous character of its hierarchical, ethical, and æsthetic systems. The so-called military caste, the native soldiery, which had followed Thothmes and Rameses to the conquest of Asia, had almost wholly vanished, and their places were supplied by mercenaries drawn from the Greek mainland and islands or from the hardy mountaineers of Syria and Asia Minor. Egypt, in a word, was at this time, as regards the power of self-defence, in precisely the same condition as was Carthage toward the end of the third century B. C., or as Rome was at the close of the fourth century of our era. The absolute dependence of Psammetichus, or Amasis, on foreign levies was a symptom and a fatal promoter of the national decrepitude, a proof that the life of Egypt as an independent empire was approaching its last hour. As might be expected, the rights, immunities, and functions of that remarkable priesthood, which had monopolized all the learning, science, and artistic accomplishment, and exercised all the liberal professions, with the exception of that of arms, had also, at the period prior to the advent of Cambyses, suffered grave mutilation and encroachment. Semitic ideas and practices had invaded their theology. Barbarous idols from the conquered shores and islands of the Levant had been lodged in their Pantheon, heretofore held sacred to the many-sided attributes of one Supreme Being recognized in the inner worship of their monotheistic faith. Laws, usages, and manners had likewise diverged widely from the routine sanctified by the practice of centuries, the most active agency of change on the social side being the Greek colonies settled in the Delta, and the close commercial intercourse maintained with the Hellenic world. The state of things, therefore, which Prof. Ebers depicted in the "Egyptian Princess" was one of singular attractiveness, from the immense variety of the interests and characters brought together, as in a focus, at the mouths of the Nile. But it was a cosmopolitan and heterogeneous, not a distinctively Egyptian, picture which he thus set before us. To portray the land and people of the Pharaohs under their original conditions and in their native colors, before the process of self-development had been arrested or perverted from without, this was the task which the author has undertaken in "Uarda."

The action of this story takes place in the time of Rameses II., the great conqueror and civic organizer of the nineteenth dynasty, whom we know best under his Greek name of Sesostris. As regards the date, we may, with the concurrence of most authorities, fix the middle point of his reign at 1360 B. C., and the flight of the Israelites from Goshen is assigned by Bunsen to the reign of his successor. These chronological data are accepted by Prof. Ebers, for we observe that, in one chapter, the reader has a glimpse of Moses in the wilderness of Sinai, the future prophet having absconded from a college at Thebes, where, like the hero of this tale, he had been brought up in all the learning of the Egyptians. This, however, we may note in passing, is the sole reference made to the Hebrew bondmen, who, amid the mass of captives brought by the aggressive monarchs of the eighteenth and nineteenth dynasties to swell the laboring population of the Nile valley, would scarcely be likely to arrest the attention of an Egyptian scribe, while, as a matter of fact, they are scarcely, if at all, noticed on Egyptian monuments. Of other Semitic races, such as the Hittites and the Hivites, we hear a good deal, these precursors of the Israelites in Palestine forming the nucleus of a powerful confederacy organized against Rameses. The King himself, by the way, is sketched for us in this novel, figuring, however, rather in the middle distance than in the foreground, and the veritable heroine of the story is his daughter. "Uarda," on the other hand, whose name has been somewhat unreasonably chosen for a title, is the daughter of a common soldier by a Greek princess, who has been captured in war, and has fallen to him as his spoil. The record of Uarda's fortunes belongs to the under plot; the main action of the story being concerned, as we have said, with the princess and her lover, a young priest, who is represented as the author of the remarkable poem known as the "Epos of Pentaur," of which so many copies have been handed down to us. These two characters are instinct with a great deal of spirit and charm, and an account of the origin and growth of their affection gives occasion for a complete exhibition of the Egyptian hierarchy in their intricate and intimate relations with the structure and functions of society; we may add that the happiness of these lovers hinges on the defeat of a conspiracy, whose aim was the overthrow of the reigning dynasty, an abandonment of foreign conquests, and a resumption, in all its rigor, of the old traditional policy of non-intercourse with strangers. In a word the moment chosen for portrayal in this volume is, that when Egypt, although still perfectly homogeneous, was about to be infected with those innovations which the wise men among her priests perceived were sure to follow in the wake of foreign conquest. For the time, however, these dangers were prospective, and the reign of Rameses II. represents the climax of that Egyptian renaissance which seems to have completely restored the ancient social fabric, and the splendor of the old civilization, after five centuries' eclipse during the domination of barbarous invaders from the East, the so-called Shepherd or Hyksos Kings. The completeness of this revival, after a submersion so prolonged, is entirely without parallel, except in Chinese annals, where, as it has happened, a native dynasty after the lapse of ages replaced one of Mongol race.

Those who desire to read a novel which, if not of the first order, is much above the level of most work recently done even by writers of established reputation, will do well not to overlook *Sebastian Strome*, by JULIAN HAWTHORNE (Appletons). This will rank with "Bressant" and "Garth" among those compositions which, while evincing indisputable talent in the novelist, still leave on the mind the impression that the author's best creation is yet to come. The writer's grasp of character, to which, it seems to us, adequate justice has not been rendered, is well exemplified in certain of the persons presented in this narrative—in the heroine, for instance, and in the father of the hero, who almost deserves to be classed with Col. Newcome among the estimable and lovable denizens of the world of fiction. But in the case of the hero himself the author's conception is not so clear and consistent, or, at all events, not so happily projected. He represents a type which it was well worth while to study, though for one reason or another the successors of Fielding have shrunk from placing it upon their canvass. Sebastian Strome is one of those well born and well nurtured young men, who are intended for the prizes of the church, who look forward from boyhood to the sumptuous indolence of an opulent living. He is, to all intents and purposes, a clergyman at the opening of the story, yet it does not surprise those who know English universities to hear that his private life is by no means of the kind supposed to qualify an aspirant for the priesthood. It will be perceived at once that such a situation might easily give rise to striking and dramatic incidents, and such are not wanting in Mr. Hawthorne's pages, though the metamorphosis of his hero's character under the pressure of his vicissitudes is not wholly satisfactory. Another relatively novel type is brought forward in this volume. We need not remind the reader that the well-educated, well-mannered Hebrew has, of late, tended to become somewhat of a personage in the English community. From the outskirts of society where he long lingered, he has passed here and there, thanks for the most part to sagacious alliances with county families, into circles of some distinction, and is now and then encountered in first-rate London drawing rooms. There are two ways of surveying this introduction of an Israelite element. You may hail it in the large spirit of the philanthropist, or you may deprecate it in terms more or less acrid, according to the influence of ancient prejudice or unpleasant personal experience. George Eliot chose the former point of view, but it is quite possible that some persons in English society would fail to recognize "Daniel Deronda" in any Hebrew of their acquaintance. It is certain, at all events, that there exists in many quarters a profound disrelish for sustained or intimate relations with a young gentleman of Jewish ancestry, although, as now happens in many cases, he may have been sent to Eton and Oxford, and have acquired a considerable degree of conventional good breeding. Mr. Hawthorne has undertaken to express, if not to justify, this antipathy, and he has assuredly portrayed a most obnoxious individual in the sleek and smooth young Hebrew, who has been consigned by his shrewd father to an English university, and been entered at a first-rate club, with the object of learning how to be an English gentleman—a purpose supposed to be attained when he marries, as he ultimately succeeds in doing, a charming English lady. Now, of course, Mr. Hawthorne's treatment of the Israelite in society is as utterly one-sided as was George Eliot's; but we know of no good reason why both points of view should not be taken by a novelist. We would say further of Mr. Hawthorne's book that some of the situations, especially during the hero's disappearance among the slums of London, seem to us extravagant, and that Sebastian's experience in the Crimea leaves the impression of pure surplusage tacked on with a view of lengthening out the work. There is, however, far more room for hearty commendation than for stricture in this volume. We may add that there are gleams of veritable humor in it, and that on more than one occasion the author exhibits a command of pathos which must be accounted a very precious gift.

A slight but graceful performance has been published in Harper's Half Hour Series under the title of *Golden Rod, an Idyl of Mount Desert.* This is indeed an idyl, but after the fashion of Watteau, where the framework is pastoral, but the figures wear lace ruffles and high-heeled shoes. The art of producing such literary *genre* pictures in cabinet size is very little practised in America, though some creditable work has been done in this field for the London magazines. But among ourselves, when a writer happens to combine with the literary faculty an acquaintance with really good American society, as is the case with Mr. James and Mr. Howells, he is usually too vain of these dual qualifications to rest long content with a small canvass. In our opinion, however, the most felicitous work performed by the author of "The American" is to be found among his novelettes. Certainly we ought to welcome a new writer who possesses at once the knowledge and the skill to bestow on us one of those minor social studies which are to the novel proper what a miniature on ivory is to a life-sized portrait.

In the compass of "Golden Rod" there is, of course, little scope for construction, and not much for the delineation of character. Two or three figures, nevertheless, are sketched with a certain firmness, as well as delicacy of touch, and suggest a capacity on the writer's part of dealing with themes of more amplitude and intensity. That the New York society of which the author writes is the society par excellence, and neither of the twenty approximations or counterfeits, will be obvious to those at all competent to pronounce judgment upon such a question. Social opportunities like the author's have too seldom been turned to effective literary account. We need not remind her, however, that such knowledge, interesting as it may be to the world at large, is only the raw material of art—that when it is all gathered the artist's work has yet to be begun. And here we may suggest, in the hope that other and ampler work may be forthcoming from the same hand, that the nice care bestowed on the costuming of characters, the touch of millinery, in fact, which is entirely appropriate in a *genre* performance, might be out of place in a composition of less narrow scope and less modest purpose.

The Posthumous Utterance of George Henry Lewes.

Only one contemporary name, associated with English philosophy, commands more instant and earnest attention than that of G. H. LEWES. Next to Herbert Spencer, he was the most conspicuous exponent of the evolutionary hypothesis, especially in relation to those mental phenomena which it refers to a purely physical origin. It was known that Mr. Lewes had been engaged for some years previous to his recent death in the study of the more intricate and important problems presented by the new and tentative science of physico-psychology. The volume now published—*Problems of Life and Mind* (Houghton, Osgood & Co.)—contains so much of the manuscript left by the author as, although wanting the benefit of his personal revision, may yet be given to the world without injustice to his memory. Notwithstanding the imperfect condition of the work, the task of editing has been confined within the limits of conjectural arrangement, no attempt being made to expunge or amplify for exigetical or merely literary purposes. A peculiar respect and tenderness are implied by such treatment, and the editor, we need not say, has been that distinguished lady whose profound knowledge of life and character has made her the most thoughtful of novelists; while, on the other hand, a wide and graceful culture made Mr. Lewes one of the most attractive writers on metaphysics.

Of the three parts into which this work divides itself, the least fragmentary is the first, which examines the general problem of mind regarded as a function of the organism. Here Mr. Lewes undertakes to formulate the physical constituents and conditions of all mental phenomena, from the evolution of the simplest feelings up to the formation of those complex aggregates of sentience which characterize the highest developments of the mind. The crucial section of this essay will naturally be recognized in the discussion of the nature of consciousness; and those who can be satisfied with his explanation of this intractable phenomenon will experience relatively little difficulty in accepting, or at least conceiving, a physical seat and motor for the faculties of memory and imagination. In his inquiry into the source and significance of consciousness, Mr. Lewes begins by pointing out that any theory of the mind which should be limited to conscious states would be very narrow and inadequate, since it is now undisputed that we can have perceptions and thoughts and perform actions without being at all conscious of them. From the mass of evidence on this head, Mr. Lewes draws a number of pertinent anecdotes, travelling in this direction over nearly the same ground as that lately traversed by Dr. Maudsley in his "Pathology of Mind." He not only refuses to accept consciousness as coextensive with, and in all respects equivalent to, the reaction of the sentient organism; but, as might be expected, he goes on to reject the notion sometimes advocated by the physiological school, that consciousness involves the super-addition of some activity in a special organ, say the brain, which, being assumed to be independent of the mechanism of sensation, may or may not coöperate with it. Mr. Lewes prefers to regard consciousness as the occasional, non-essential distinction of particular phenomena—a quality of certain mental states due to the special conditions at the moment. The most carefully executed portion of this volume is devoted to the advocacy of this conception of consciousness, and to an analysis of the conditions incident to its existence.

Before noting some of the author's observations on this topic, we would mark how he meets a difficulty urged by many writers who have occupied themselves with those unconscious judgments, unconscious reasonings, and unconscious registrations of experience which compose what may be called the logic of feeling. Mr. Mill has stated the difficulty and answered it thus: "That a feeling should not be felt appears to me a contradiction both in words and in nature. But though a feeling cannot exist without being felt, the organic state which is the antecedent of it may exist, and the feeling itself not follow." This answer is criticised by Mr. Lewes on several grounds. In the first place, although there is a contradiction in words when a feeling is said to be unfelt, this, he reminds us, is owing to a mere verbal ambiguity which, when explained, removes the contradiction. The ambiguity is that feelings are mental states, and these states have sometimes the relative intensity which is that of consciousness, and are then said to be felt, and sometimes the relative faintness or feebleness which is that of unconsciousness, and are then said to be unfelt. The term "feeling," in other words, is general in one sense, special in another. He finds the answer just now quoted still more unfortunate in its application to the "organic state," as Mr. Mill understands it. There are, indeed, organic states which are antecedents to feelings; the stimulation of the retina, for instance, is precedent to the sensation of color, and may, of course, exist without the reaction, which is the organic state, understood to be the objective side of what subjectively is the sensation. But the "unfelt feeling," the unconscious sensation, is no organic antecedent; it is the organic state itself, which is a sentient state, but undiscriminative; we have often evidence that such undiscriminative sensations have been in the mind, because during their short and unnoticed passage they have called up other ideas by association. A good example is the case of reading from a book, when we must have perceived and recognized the visible letters and syllables, yet we retain a remembrance only of the sense which they convey. That such visible impressions are sentiently, though not consciously-scrutinized and interpreted, is proved by the fact that the misspelling of a word is instantly detected, and arrests for a moment the process of rapid, unconscious transmission. Mr. Lewes fails to see any ground for denying that a process which avowedly takes place in the sentient organism, and which once was separately felt, remains a sentient process, though it may become so blended with others or masked by them as to be inseparable from them. We have good reasons for distinguishing some states from others by their greater relative intensity; but when intense luminousness passes by gradations to faint luminousness, and from that to darkness, we do not, therefore, conclude that the sensation of darkness has ceased to be optical. In a word, the object of Mr. Lewes's essay on this topic is to show that every neural process of the sensorium is a sentient process, and that, therefore, the frequent cases of links dropped out of a chain of thought cannot properly be assigned to organic states which were merely physical antecedents, and not, at the same time, mental states. If the physiological conditions of production existed, then, whether conscious or not, the sensations and ideas which constitute their products must have existed also, for causes necessarily involve effects.

Let us glance now at Mr. Lewes's restricted definition of consciousness regarded merely as the phenomenal distinction of certain mental processes, and follow his attempt to specify the conditions of its activity. After noting that philosophical and ordinary language agree in identifying consciousness with attention, so that to be conscious of a feeling is to attend to it, to be unconscious is to be inattentive, he points out that this is only rebaptizing a process, not explaining it. He proceeds, therefore, to inquire what is the operation involved in attention? He observes, first, that attention is not a faculty, as our ordinary speech seems to indicate when we say it is directed, or arrested, or when we treat it as an internal contemplator of mental and physical changes. Considered on its active side, it is simply one of the phenomena of the reflex function; every act of attending is a reflex act. But since we recognize a distinction between involuntary and voluntary reflexes, we must extend this to voluntary and involuntary attention. It is the latter activity which usurps the name, just as the term vision is commonly restricted to the focusing which brings the object to cover the yellow spot of the retina, because there vision is distinct, although the whole of the retina is sensitive in varying gradations. The analogy which Mr. Lewes traces, at some length, between consciousness and the yellow spot of distinct vision has been noticed by several writers. We have only to extend the analogy, and the whole of the visual field, with its incessant and infinite gradations of distinctness, will analogically stand for the gradations of sentience, broadly marked as consciousness, sub-consciousness, and unconsciousness. So long as the retina is anywhere affected there is vision, or the components of a visual perception; so long as the sensorium is affected there is feeling, or the conditions of some mental change. Attention, then, is mental focusing, with consequent distinctness of vision. To see distinctly we converge the axes of both eyes and accommodate the lenses, at the same time disregarding the impressions made on the outer zones of the retina. To hear distinctly we adjust the aural muscles, and disregard all sounds not relevant to the series we wish to follow, as when in the hubbub of the market place we follow only one speaker's voice. To observe mentally, we fix in the same way one series of feelings, and disregard all those not congruent with the series. There is more or less sense of effort in this act, and by it we become conscious of the act. The effort is distinctly felt when we endeavor to combine two ideas which are difficult or incapable of combination; and, of course, more faintly felt when the ideas easily blend. That the fatigue of thought is strictly analogous to muscular fatigue, seems attested by the fact that when the effort of suppressing irrelevant ideas is great there is a muscular effect traceable in the temporary arrest of respiration. Every one knows that the breathing is suspended during fixed attention, and probably the yawning consequent upon sustained efforts of attention is the effect of diminished respiration. From a physiological point of view, Mr. Lewes would define the acquisition of the power of attention as the learning how to alternate mental adjustments with the rhythmic movements of the respiratory apparatus. Some such conception seems to be implied in the phrase by which the French indicate a quick but superficial thinker as incapable of a work *de longue haleine.*

Mr. Lewes's final explanation, then, is this: Consciousness in its widest sense is sentience, the activity of the sentient organism, and includes activities that are wholly unattended to; activities that are but faintly and fugitively heeded, and activities that are distinctly and enduringly observed. In its narrow sense, and the one commonly employed in philosophic speech, it is that state of the sentient activity which is differentiated from simultaneous states by its relative intensity. We come now to another aspect of the question which continually intrudes itself on the inquirer's thought in any discussion of the phenomena of consciousness. By consciousness, the intervention of the personality is usually understood. In this sense the conscious state is, in the language of Sir William Hamilton, the recognition by the Ego of its own operation. It is We who feel—what is that personality? Mr. Lewes's attempt to answer this question, with the exclusive employment of physiological data, is the most curious and interesting feature of this volume. Reminding us that the brain and all other organs are only differentiations of an integral organism, parts which have no vital significance except in relation to a whole, he points out that their actions, however seemingly independent, must needs involve an overruling unity and consensus. Accompanying the particular feelings excited by present stimulatives, there is not only the operation of past feelings, awakened residua, which blend with the present and determine the perceptions—there is also the general stream of simultaneous excitations with their residua—the whole constituting the vague, massive feeling known as the feeling of existence, the sense of personality, the unity which connects parts into a total. The diffusive waves of systemic sensation, the more definitely restricted waves of sense, the delicate and continuous changes of thought, are combinations of excited and subsiding tremors and their recombinations—all of which blend into a total. This total it is which is our personality, every single state being vivid, or obscure, according to its relation to this general state. Personality would thus correspond psychologically with what, physiologically, is the guiding influence of the centre of gravity. Our walking, remarked Goethe, is a series of falls, but the series is coördinated by the feeling of central equilibrium. In Mr. Lewes's view, the attitude of the personality, like the position of the centre of gravity, is a continually shifting point. The physiological law that no neural excitation is normally isolated from the excitation of the whole nervous system, and that its specific discharge is conditioned by the state of that system at the moment, has, our author suggests, its psychological equivalent in the law that no sentient state is to be isolated from the psychostatical condition of the sensorium. Each thrill of change blends with or is arrested by the mass of simultaneous thrills, so that there is a continuous coöperation and interplay of the two processes of differentiation and integration, and of particular feelings with the general feeling or personality. Here again Mr. Lewes draws a telling illustration from the domains of the special senses. There is, for example, a visual field, with the sharply defined objects appearing in it and so differenced from it. There is again an auditory range, with its sharply defined tones. And so of the other senses; each has its circuit, but each is only a domain in the general expanse of feeling. Just as in the visual field, there is a general illumination, and a variety of illuminated points, the eye fixing now this, and now the other point, but always embracing the whole illuminated field, so within the sensorial horizon there is a general excitation of sensibility, with a variety of particular groups, and particular elements of groups, the attention now being fixed on this, and now moving to another, but always solicited by the whole of the excitations. It is this general sensorial field which we understand by our personality, our Self, and to which all particular fields and all particular objects in those fields are referred. Whether this reference takes place by a rapid oscillation of attention from one to the other, or by a simultaneous clutch of the two processes of change, Mr. Lewes does not find it easy to decide. Familiar experiences, however, show how possible it is to have in what is practically one and the same perception, a combination of the general feeling with the particular feeling. Thus, in reading, the eye takes in at once the single letters of a word, the total of those letters, and the bright surface of the page on which the word is printed. As the eye passes from word to word, there is a successive obscuration of each antecedent word, and this rapidly passes from subconscious obscuration to unconscious; but the impulse is carried on, and the sensorium is still agitated by the results of the sensible affections; so that we can and often do recall the words into clearness.

To sum up Mr. Lewes's definition of consciousness, considered as the witness to personality, we may say that the Self is the consensus, and its intervention may be likened to the expansion and restriction of the visual field, which at one moment takes in a vast landscape at a single glance, at another is restricted to some particular object in that landscape. Daily experience familiarizes us with the fact that the sensorium may embrace a wide range of feelings, or be concentrated within a narrow circuit, or even in a single feeling. We may be intently occupied with a problem, or with some external event, and when thus absorbed in thought, or lost in wonder, there is in consciousness only the obscurest reference to self. The Ego does not here recognize its own operations as its own. The consensus is operant indeed; the personality determines the train of thought and the emotional reaction; but the visual field is confined to particular points. Yet it may expand, and by swift side glances we may become more or less conscious of the speculative effort or the emotional effect. Such alternate expansion and restriction of the sensorial field is normal. In abnormal cases, on the other hand, as in the unconsciousness of dreamless sleep, of course the restriction is such that, although there is *sensus*, there is no *consensus*. The mechanism is out of gear, and the personality which represents its consensus is in abeyance, to reappear with the reëstablishment of the mechanism.

In attempting to explain on physiological grounds the sense of individuality resulting from the activity of consciousness, Mr. Lewes, we need not say, was grappling with the most recondite and complicated problem of all those whose solution is incumbent on the champions of physical psychology. This part of the author's manuscript, as we have said, seems to have been the most carefully executed, yet it is doubtless here that his arguments would have been more abundantly and conclusively nourished with illustration had he lived to revise the book. Tentative and fragmentary, however, as the exposition may appear, it will be scanned with eager interest as a systematic and ingenious attempt to interpret the most mysterious phenomenon of consciousness, its discrimination of the Ego from the non-Ego, as a mere reflex operation of the animal organism, a mode of its activity inseparable from certain physiological conditions. Whatever weight may be attached by students of different schools to Mr. Lewes's views, of which only a meagre and imperfect outline can be presented here, it is certain that no one can afford to wholly overlook them. There is but one Englishman now living whose attempt to deal on evolutionary principles with the central phenomenon of consciousness, the affirmance of personality, would deserve more patient scrutiny, and that man, as we have said, is Herber Spencer.

Before taking leave of this book, which, even in its present shape, cannot be accounted other than a precious legacy, we would touch very briefly two or three points brought out in Mr. Lewes's discussion of the memory. He thinks the ancient and still unexploded error which treats memory as an independent function or faculty, for which a separate organ or seat is sought, arises from the tendency continually noticed of personifying an abstraction. Gall was much nearer the truth when he assigned to each faculty its own memory, and denied the existence of an independent memory in general. But from a physiological point of view, even his conception was too restricted, memory being merely a comprehensive abstract term for the reinstatement of mental states following on the reproduction of one or more of the physical conditions of their production. Why this reinstatement readily occurs in one person with reference to dates, in another with reference to names, in a third with reference to forms, and in a fourth with reference to relations, depends on very complex circumstances, among which special interest and frequent repetition play their part. Mr. Lewes is also willing to take into account special degrees of excitability in the organs, though he insists that this, while it may be partly cause, is also partly effect of the greater interest felt. A man like Menetrier, who could repeat three hundred disconnected words after once hearing them, or like Pico di Mirandola, who could remember two thousand proper names, or like Mezzofanti, who knew a vast number of languages with their dialects, may justly be said to have a powerful verbal memory; and one like Heidegger, who, after walking through a street half a mile long, was able to tell every shop he had passed and assign it its relative position, must have a keen memory of objects. But as we know that approximative facilities may be acquired by practice, it is difficult to say how much of them is primarily due to a native disposition.

In his exposition of memory, Mr. Lewes starts with the postulate that every impression leaves a trace, and helps to modify the sensorium. The excitation produces a change in the neural plasmode, which may leave a temporary or permanent modification of the molecular structure. After many repetitions, this modification results in a modulation of sentient activity. Thenceforward the sensorium tends to react in a particular way, not only in response to direct stimulation, but also in response to indirect excitement, so that, for example, a child once terrified by the sight of an object will have its terror reprovoked by the sight of an object very slightly similar, and also by the name of the original object. The motor organs are here set going by their association with sensorial states and the excitation of these, although an indirect reinstatement, is sometimes far more energetic than the direct stimulation. The author suggests that the last-named phenomenon is capable of throwing light on cases of hallucination.

The physiological explanation of memory may be compressed in a sentence as that of a modification of structure which survives molecular change in virtue of the assimilative process. But how, it is often asked, can the brain be the organ of the memory, when we suppose its substance to be forever shifting? How is it that the assumed nutritive change of all the particles of the brain is not as destructive of all memory and knowledge of sensuous things as the sudden destruction by some great injury would be? The answer is—according to Sir James Paget, who has adduced many striking examples of the retention of marks once made upon a particle of tissue—because of the exactness of assimilation accomplished in the formative process. The effect once produced by an impression upon the brain, whether in perception or in intellectual act, is fixed, and there retained. The part which has been thereby changed, is exactly represented in the part which in the course of nutrition succeeds to it. Thus, in the recollection of sensuous things, the mind refers to a brain in which are stored up the fac-similes of changes wrought by foregoing sensations and activities of the intellect. In a word, thoughts leave their scars, which perpetuate themselves through all the metamorphoses of disintegration and repair.

M. W. H.

"THE PECULIAR PEOPLE."

A Religious Sect that Lets Children Die Rather than Call a Doctor—Some Remarkable English Criminal Trials.

In his charge to the jury in the Cowley trial Recorder Smyth cited and followed as an authority the recent English case of Charles Downes, who was convicted of manslaughter for having caused the death of his child by refusing to call a doctor when the child was dangerously sick. This case was one, and we believe the last, of a series of three or four trials which occurred within about half a dozen years, and which constitute a remarkable chapter in the history of criminal law. The unusual interest and importance of the cases grew out of the fact that the defendants, who were tried for murdering their children by neglecting to provide proper medical attendance in time of sickness, acted conscientiously and in obedience to their religious faith. They belonged to the sect of "Peculiar People," who, whatever may be thought of their doctrines, had certainly assumed an appropriate title. One of their tenets was to trust in the Lord rather than a doctor in case of sickness. They were conscientiously opposed to medical prescriptions and drugs. Their healing remedies were prayer and anointing with oil in the name of the Lord. Their belief was founded on the following verses of the New Testament, epistle of St. James, to which they gave a grim practical and literal meaning:

> Is any sick among you? let him call for the elders of the church; and let them pray over him, anointing him with oil in the name of the Lord:
>
> And the prayer of faith shall save the sick, and the Lord shall raise him up; and if he have committed sins, they shall be forgiven him.

The first of the cases to which we have referred came up in the Central Criminal Court, before Mr. Justice Willes, in 1868. The prisoners were Thomas Wagstaffe and his wife, who were arraigned for manslaughter under an indictment charging them with the death of their fourteen-months'-old child by neglecting to provide for it proper medical treatment. When the child was taken sick the parents called in the elders of their sect, who anointed the child with oil and offered up prayers to the Lord. The mother devoted her time faithfully and tenderly to the child, and the father was at its bedside when he was not at work. They gave it barley water, new milk, corn flour, port wine and gruel, and occasionally a little weak brandy and water. The child grew worse. The parents would not have a doctor, but appeared to be otherwise dutiful and affectionate toward their little one. The elders were again summoned, and again adopted a course of prayer and anointment. This, however, had no effect on the little thing, which died after two weeks of sickness and suffering. A post-mortem examination was made by a doctor, who reported that death had resulted from acute inflammation of the lungs, and that the child's life would have been saved had proper medical treatment been begun in season.

Fanny Hadley, one of "The Peculiar People," who testified at the trial as to the treatment of the child, was also examined concerning the religious belief and practice of the sect to which she belonged. "Not since we have been living in the Lord," she said, "have we called in a doctor in case of illness, but before that we did. We are not pressed by the Church not to call in a doctor, but we are taught to have faith in God. The father and mother of the child held the same tenets. I have been afflicted severely at times with small-pox and other diseases, and have not had medical assistance. I have always called in the elders." At this point the following dialogue occurred between presiding Justice Willes and the witness:

Justice—Why don't you call in a doctor?

Witness—Because we believe so much in the healing power of God and have confidence that He will raise us up again. We have many living witnesses.

Justice—Would it be a sin to call a doctor?

Witness—I cannot say that, but still we have confidence in God that He will restore us according to His word.

Justice—You think it a superfluity, but not a sin?

Witness—Yes.

Justice—You believe that God will answer your prayer, and that He is able to heal without the assistance of any mortal?

Witness—Yes; we have proved it for ourselves many times.

Justice—I am not at all suggesting a doubt of your perfect honesty, but I want to know what you really do think on the subject. Is the oil used because you think it does any good?

Witness—We read about it in Mark and James, and we go according to the word of God.

Justice—You go, I suppose, upon the text in St. James's epistle?

Witness—Yes. We don't say anything against calling in a doctor, my lord. A doctor is very well for those who do not put their trust in the Lord.

The Judge's charge to the jury was favorable to the accused. He thought that a parent who should wilfully and neglectfully starve his child to death was guilty of homicide. But when a jury had to consider what was the precise medical treatment to be applied to a particular case, "they got into a much higher latitude indeed." There is room for wide difference of opinion as to what is proper medical treatment. In this case the parents had done what they thought best for the child. They had acted honestly and conscientiously. The Court was evidently of opinion that a very strong case against the defendants would have to be made out in order to warrant a conviction of homicide. The matter was submitted to the jury, whose verdict, as might be expected under the charge of the Judge, was "Not guilty."

The trial of Wagstaffe and his wife took place in January, 1868. In July following, Parliament passed an act declaring that "when any parent shall wilfully neglect to provide adequate food, clothing, medical aid, or lodging for his child, being in his custody, under the age of 14 years, whereby the health of such child shall have been or shall be likely to be seriously injured, he shall be guilty of an offence punishable on summary conviction, and being convicted thereof before any two Justices, shall be liable to be imprisoned for any period not exceeding six months, with or without hard labor, as such Justices shall decide."

In 1872 Hurry was convicted for neglecting to summon a doctor for his sick child. In 1874 Hines, another one of "The Peculiar People," was acquitted on the same charge. It is noteworthy that in Hines's case the Court seemed to follow the doctrine laid down in the Wagstaffe case without referring to the very important statute that had been passed since that case was decided. Baron Pigott thought that the indictment against Hines could not be sustained, and said there was no case to go to the jury. "I think it is one of those cases," he said, "in which a parent, instead of being guilty of anything like culpable negligence, has done everything that he believed to be necessary for the good of his child. That he may be one of those persons who have very perverted views and very superstitious views, and may be altogether mistaking that doctrine of Scripture from which he has taken his course of proceeding in this case, may be perfectly true; but that there is anything in the nature of a duty neglected—that is, a duty which he believed or knew to be such—in this instance, I am clearly of opinion the evidence does not show. On the contrary, he believed his duty to be in the direction in which he acted, and he carried out that duty to the utmost of his ability. He may altogether have mistaken what his duty was; still I believe it was an honest mistake. It may be an ignorant mistake; in all probability it is the result of ignorance and superstition; but certainly there is not a trace of anything like an intentional omission of duty or a culpable omission of duty within the meaning of that expression as used in the criminal law."

The next case was that of Charles Downes, cited by Recorder Smyth of New York in the recent Cowley prosecution. Downes was the father of a child, about 2 years old, which died after an illness of eight or nine months. During this time the father refused to call or to have a doctor, but left the child in charge of certain women of his sect, and at times called in George Hurry, an engine driver, who prayed over the child and anointed it with oil. He also prescribed port wine, eggs, arrowroot, and other articles of diet. The child died of a disease which was not favorably affected by this treatment, but which might perhaps have been controlled by medical skill. Downes was indicted for manslaughter. It was admitted by the prosecution that, except in the matter of medical attendance, the child had been kindly cared for and properly treated and nourished. The prisoner pleaded his sincere belief that by abstaining from calling in doctors he gave the child the best chance of recovery. Other witnesses testified that the child's treatment had been in strict accordance with the religious belief and practice of "The Peculiar People." One witness, being asked whether if one of their sect met with an accident such as a broken bone, their principles would prevent them from calling in a surgeon, answered that such a case had never arisen, but he thought a surgeon would be summoned. He was asked whether they trusted to nature in cases of childbirth. He replied that it was against their principles to call in midwives, but that several sisters of their persuasion were as skilful as any midwives. The presiding Judge at the trial ruled that it was the duty of the father to provide, according to his ability, all that is reasonably necessary for his child, including, if the child is so ill as to require it, the advice of persons reasonably believed to have competent medical skill; and that if death ensues from the neglect of this duty, the father is guilty of manslaughter. The following questions were submitted to the jury:

> Did the prisoner neglect to procure medical aid for the helpless infant when in fact it was reasonable so to do and he had the ability?
>
> Was the death caused by that neglect?
>
> Did the prisoner bona fide, though erroneously, believe that medical advice was not required for the [illegible], or bona fide believe that it was wrong to call in medical aid?

The jury answered Yes to each of these questions, and the Court directed a verdict of guilty to be entered. This judgment was affirmed by the Appellate Court, which held that the neglect of the father to provide medical attendance for his sick child was made an offence by the statute of 1868. If death results from the culpable omission or breach of duty created by law, the offender becomes guilty of manslaughter. The fact that the prisoner had conscientious religious scruples against calling a physician was no excuse for violating the law, and no justification for the consequences of his conduct.